IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Naurat mal & Ors. Vs. State of Rajasthan & Anr.

S.B.CR.MISC. PETITION NO.973/2003

DATE OF ORDER :: December 06, 2006

PRESENT

HON'BLE MR.JUSTICE H.R.PANWAR

Mr.D.S.Udawat, for the petitioners.
Mr.Ashok Upadhyaya, P.P.
Mr.Narpat Singh for complainant-non-petitioner No.2.

BY THE COURT:

By the instant criminal misc. petition under section 482 Cr.P.C., the petitioners seek quashing of FIR No.260/2003, Police Station, Jaitaran.

I have heard learned counsel for the parties. Carefully gone through the first information report.

It is contended by the learned counsel for the petitioner that on the very facts, the complainant earlier filed an FIR being

FIR No.57/2003, Police Station, Bagdi on 21.5.2003. After investigation, the police has filed the challan against petitioners No.1 Naurat Mal and No.3 Sohan Lal for the offences under sections 498-A and 323 I.P.C. On the same facts, again a complaint has been lodged by the complainant at Police Station, Jaitaran, except the change of police station, according to the learned counsel for the petitioners that averments made in the first FIR and in FIR in question are almost identical and, therefore, allowing the FIR to stand and investigation taken thereunder would be nothing but abuse of process of Court.

Learned counsel for the parties submit that the case instituted in earlier FIR after filing the challan, the parties have compromised the matter and there remains no dispute between the parties.

Learned counsel for the non-petitioner-complainant submits that he has received a communication stating therein that the complainant has compromised the matter and she is not interested in proceeding any more.

Having regard to the facts and circumstances of the case and the fact that on the same set of facts, earlier an FIR has been lodged and the matter has been investigated and challan

has been filed and thereafter during the pendency of the criminal case, the parties have compromised the matter which shows that there remains no dispute and whatever the grievance the complainant had, that had been resolved by way of compromising the matter. In the circumstances, therefore, no useful purpose would be served in allowing the FIR and investigation thereunder. Even otherwise, the matter is of 2003 and by virtue of ad interim stay order dt. 5.11.2003, investigation in the FIR has already been stayed. In this view of the matter, the criminal misc. petition deserves to be allowed.

In the result, the criminal misc. petition is allowed. FIR No.260/2003, Police Station, Jaitaran stands quashed.

[H.R.PANWAR],J.

m.asif/-